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CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APR 20 2006**

Applicants: SATO et al.

Serial No.: 10/614,895

Filed: 7/9/2003

Title: HYBRID COMPRESSOR AND
CONTROL DEVICE

Atty. Dkt.: 01-442

Art Unit: 3746

Examiner: Dwivedi

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Date: 20 April 2006

CERTIFICATE OF FACSIMILE TRANSMISSIONI hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax. No. 571-273-8300) on 20 April 2006
Typed Name: James E. Barlow.Signature: **REQUEST FOR RECONSIDERATION OF FINALITY OF REJECTION**

Sir:

The office action of 23 March 2006 was made final. However, the applicants believe that this is unfair and inconsistent with USPTO practice. The applicants respectfully request withdrawal of the finality of that rejection for the reasons that follow.

The practice of the USPTO is to make a second office action final except where the examiner introduces a new ground of rejection that is not necessitated by applicant's amendment. See MPEP 706.07(a).

In this case, a new ground of rejection was introduced in the second office action. However, the new grounds were not necessitated by the applicant's amendment. The amendments made by the applicants were essentially stylistic and grammatical.

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For example, regarding claim 1, one change made by the applicants that might be characterized as substantive was the change from "controlling means" to "controller." Thus, the word "means" was removed. However, this change should not have necessitated the new grounds of rejection, as discussed in more detail below.

The amendment to claim 1 changed "first controlling means" and "second controlling means" to a single "controller" to simplify and clarify the claims. However, this was not a substantive change, since only one controller was disclosed. Since the original claims could only be interpreted as referring to a single controller, changing "first controlling means" and "second controlling means" to a single "controller" was not a substantive change and did not necessitate the new grounds of rejection.

In addition, no particular significance was given to the word "means" in the first office action. Also, no significance was given to the recital of "first controlling means" and "second controlling means." Therefore, minor changes to these terms did not necessitate a new ground of rejection.

In the office action, the examiner stated that "Changes in scope include a single controller setting the first and second control value and the status control value being obtained from a status of the refrigerating circuit." The single controller issue was discussed above. As for the status control value being obtained from a status of the refrigerating circuit, this feature was recited in the original claim 1. See the last two lines of original claim 1.

Therefore, the examiner has failed to state any reason why the changes to the claims necessitated a new grounds of rejection, and the finality of the office action mailed on 23 March 2006 should be withdrawn.

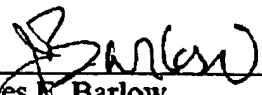
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If questions occur concerning these matters, the examiner is invited to contact the undersigned by telephone.

No fees are believed to be due at this time. However, if there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400